

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: :  
ERIC D. BRYANT, : CHAPTER 13  
Debtor. : CASE NO. 09-85604

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ERIC D. BRYANT, :  
Movant, :  
v. : ADV. ACTION

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TITAN RECOVERY & COLLECTION :  
SERVICES, LLC and :  
WELLS FARGO AUTO FINANCE, INC., :  
Respondent. :

**COMPLAINT SEEKING TURNOVER OF PROPERTY AND DAMAGES**  
**FOR VIOLATION OF AUTOMATIC STAY**

Plaintiff is the Debtor in the above-captioned Chapter 13 case. This Court has jurisdiction over this proceeding, which arises in a case under the Bankruptcy Code and concerns property of the Debtor, pursuant to 28 U.S.C. § 1334. This is a core proceeding.

2.

Certain of Plaintiff's exempt property, which is property of the State under 11 U.S.C. § 541, i.e., a 2002 Jaguar, in which Debtor has an interest, is in the possession of Defendants.

3.

Pursuant to 11 U.S.C. § 542, Defendants are required to turn over this exempt property to the Trustee in this action.

4.

Under 11 U.S.C. § 1306, the Debtor is entitled to possession of all property of the estate.

5.

There is adequate protection to the creditor, and Debtor has the required insurance.

6.

Nonetheless, Defendants have refused to turn over the property as required by 11 U.S.C. § 542.

7.

Debtor also requests this Court to hold Titan Recovery & Collection Services, LLC (hereafter Titan) and Wells Fargo Auto Finance, Inc. (hereafter Wells Fargo) in contempt of court for violation of the Automatic Stay pursuant to 11 U.S.C. § 362 and shows as follows:

8.

Debtor filed his Chapter 13 petition on September 30, 2009. At the time, Debtor had a 2002 Jaguar which he hoped to keep by making back payments through the Chapter 13 Trustee. The Debtor gave notice to Titan by letter and by

telephone on September 30, 2009 and October 2, 2009.

Notice to Titan was notice to Wells Fargo under Fulton Anchor Sav. Bank, FSB, 215 Ga. App. 456 (1994). The principal of Titan refused to turn over the vehicle.

9.

In the petition, Debtor listed both Titan and Wells Fargo as creditors.

10.

Debtor is entitled to actual damages and punitive damages of \$10,000, plus reasonable attorney's fees, because of Titan and Wells Fargo's willful violation of the stay.

WHEREFORE, Debtor prays:

- 1) For relief as above requested;
- 2) For attorney's fees;
- 3) For such other and further relief as is just and proper including turnover of the vehicle.

Respectfully submitted,

/s/ Ralph Goldberg  
Ralph Goldberg  
GA Bar No. 299475  
Attorney for Debtor

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Decatur, GA 30030  
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(404) 378-7708 FAX

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served counsel of record for the opposing party in the foregoing matter with a copy of this document by depositing in United States Mail copies of the same in properly addressed envelopes with adequate postage thereon and by notification of electronic filing.

Eric D. Bryant  
264 Cambridge Avenue  
Decatur, GA 30030

Nancy J. Whaley  
Chapter 13 Trustee  
303 Peachtree Center Avenue  
Suite 120  
Atlanta, GA 30303

Titan Recovery & Collection Services, LLC  
c/o Edward Benjamin  
107 Enterprise Path  
Suite 304  
Dallas, GA 30132

Wells Fargo Auto Finance, Inc.  
c/o Corporation Service Company  
40 Technology Parkway  
Suite 300  
Norcross, GA 30092

Wells Fargo Auto Finance, Inc.  
c/o Robert A. Hurzeler, CEO  
2501 Seaport Drive  
F6582-030  
Chester, PA 19013

This 9<sup>th</sup> day of October, 2009

/s/ Ralph Goldberg  
Ralph Goldberg  
Attorney for Debtor

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